

July 7, 2006



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and Hazardous Materials
Safety Administration**

DOT-SP 10885
(EIGHTH REVISION)

EXPIRATION DATE: October 31, 2009

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Department of Energy
Washington, DC
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain explosives that exceed the quantity limitation or are forbidden for transportation by air in DOE aircraft and operated by DOE contract personnel. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Column 9(B), § 172.204(c)(3), § 173.27 (b)(2) and (3), § 173.27 (f) Table 2, § 173.56(d) and (e), § 175.30(a)(1), except as specified herein.

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5. BASIS: This special permit is based on the application of Department of Energy dated December 31, 2005, and additional information dated May 20, 2006 and June 16, 2006, submitted in accordance with § 107.117 for purposes of national security.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Division 1 explosives under specific commodity name or generic description, as appropriate	As appropri ate	As appropri ate	As appropri ate

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The explosives must be classified, packaged, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 171-180).

b. OPERATIONAL CONTROLS -

(1) The explosives listed in paragraph 6 above are only authorized on DOE aircraft DC-9-15F serial numbers 45826 and 47152 which are under the control and supervision of the Department of Energy (DOE) and operated by personnel under contract with the DOE, who are certified by the FAA in accordance with 14 CFR Part 119. The two aircraft must meet the provisions outlined in the May 20, 2006 FAA Alternative Means of Compliance approval letter, on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA), and in accordance with 14 CFR Part 121 or Part 136.

(2) Explosives carried under the terms of this special permit must be authorized to be transported by common carrier by highway under 49 CFR Parts 171 through 180.

(3) Shipment of explosives must comply with the hazardous materials procedures from DOE/NNSA DOE Tie-down Procedures for Type B Containers, DOE/TSD Aircraft Cargo Tie-down Manual, DOE/NNSA issued Offsite

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Transportation Certificate (OTC) or Offsite Transportation Authorization (OTS), and the DOE commercial aircraft operator's operation and safety manuals, which establishes its policy to conduct operations in a manner that protects the health and safety of employees, contractors and the environment. In addition, a full-time DOE Aviation Safety Inspector, possessing qualifications equal to those of an FAA Aviation Safety Inspector, is located at the Albuquerque Field Office and conducts surveillance of daily operations. DOE Headquarters must also conduct annual inspections, audits and reviews of Federal oversight of DOE aircraft operations and the DOE contract operator's safety and operations programs.

(4) Maximum weight. Not more than 2,000 pounds total net weight of explosives may be carried in the aircraft.

(5) Authorized persons aboard aircraft. No person other than a required flight crewmember, an FAA or DOE inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated and acknowledged in writing to DOE, or persons necessary for handling the material, who are essential to and associated with the mission may be carried on the aircraft.

(6) Advance permission from airport. The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the materials are on board. When the destination is changed after departure because of weather or other unforeseen circumstances, permission from the owner or operator of the alternate airport must be obtained as soon as practicable.

(7) Flight plan. For flights within the United States only, the operator of the aircraft must include the following information in the "Remarks" section of each flight plan when the provisions of this exemption are exercised:

(i) The classification of each hazardous material aboard the aircraft.

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(ii) The net weight of each class of hazardous material aboard the aircraft.

(8) Loading and unloading. Loading and unloading operations under this special permit must comply with the following:

(i) The loading and unloading of the aircraft must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly. However, at an airport where the airport owner or operator or authorized representative thereof has designated a specific location for loading or unloading, the explosives may not be loaded or unloaded at any other location.

(ii) The explosives must be loaded, transported or stored as provided in § 177.848 except that blasting caps (with or without fuses), including electric blasting caps, may not be loaded and carried in the same aircraft with any other Division 1.1 or 1.2 explosive.

(iii) The loading arrangement to be used aboard the aircraft must be:

- (A) in accordance with the May 20, 2006 FAA AMOC for the two DOE aircraft;
- (B) coordinated with the DOE contract operator(s);
- (C) and, in accordance with all applicable FAA regulations and directives.

(iv) During loading or unloading, no person may smoke, carry a lighted cigarette, cigar or pipe, or operate any devices capable of causing an open flame or spark within 50 feet of the aircraft.

(v) No fueling operations of the aircraft may be done during loading and unloading of the explosives.

(9) Requirements during operation of aircraft.

Operation of the aircraft during takeoff, en route, and landing must be conducted at a safe distance from heavily populated areas.

(i) Before movement of the aircraft, prior to take-off, and prior to entering an airport traffic area, the pilot of the aircraft must notify the control tower of the class(es) of explosive(s) (including ammunition) on board, and request that this information be released to the appropriate airport officials. This notification must be either communicated by radio transmission or facsimile transmission.

(ii) In the event of a diversion from the scheduled route of flight to an airport that was not previously scheduled, the flight crew must notify the control tower during the approach phase of the amount of class of explosives on board and request this information be relayed to the appropriate airport officials. This notification must be either communicated by radio transmission or facsimile transmission. For airports without control towers, this communication must be made to the Flight Service Station nearest the airport of intended landing.

(iii) When under radar control during the approach and landing phase, the pilot must request appropriate vectors so as to avoid heavily populated areas.

(iv) Whenever explosives are on board the aircraft, no person on the aircraft may smoke, or carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark.

(10) Pilot requirements. The operator of the aircraft must ensure the following with respect to pilots of aircraft operating under this special permit:

(i) A minimum of two pilots is required aboard any multi-engine aircraft carrying explosives under this special permit.

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(ii) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operations being conducted and the name of the official(s) granting the advance permission required by paragraph 7.b.(6) above except when a landing permit has been granted by an agency of the Department of Defense for landing at a military installation.

(iii) Each pilot of an aircraft being operated under this special permit must have received formal training on the requirements of 49 CFR Parts 170-178 that are applicable to his duties and be thoroughly familiar with the specific requirements of this special permit.

(11) Attendance of explosives. Division 1.1, 1.2 and 1.3 explosives must be attended at all times that they are in the possession of the operator (from the time of receipt from the consignor until time of receipt by the consignee) unless placed in an explosive storage magazine that is approved by the Federal, State or local authority or at a location on a military installation designated by appropriate military authorities.

8. SPECIAL PROVISIONS:

a. MARKING - The explosives must be classified, packaged, marked and labeled in accordance with the Hazardous Materials Regulations (49 CFR Parts 171-180).

b. This special permit only authorizes transportation of explosives in the two DOE aircraft described in paragraph 7.b.(1) of this special permit and must be operated under the supervision of DOE. This special permit does not grant authority to use foreign controlled airspace or airports outside the United States.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo aircraft used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable. In addition, the air carrier must comply with all cargo security mandates as required by the air carrier's applicable TSA approved security program and associated security directives.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by § 172.700 through § 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of

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this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:

A handwritten signature in blue ink, appearing to read "Robert A. McGuire".

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln/rp